

Summary of DEQ Certification of USACE Permits

Nationwide or Regional Permit	Last Date of Issuance, Re-issuance or Modification	VWP Permit Process	Date of 401 Certification	401 Certification Conditions
1. Aids to Navigation	Mar-02	NPR	Mar-02	N/A
2. Structures in Artificial Canals	Mar-02	NPR	Mar-02	N/A
3. Maintenance	Mar-02	NPR	Mar-02	N/A
4. Fish and Wildlife Activities	Mar-02	NPR	Mar-02	N/A
5. Scientific Measurement Devices	Mar-02	NPR	Mar-02	N/A
6. Survey Activities	Mar-02	NPR	Mar-02	N/A
7. Outfall Structures and Maintenance	Mar-02	Conditional*	Mar-02	1,2,4,8,9
8. Oil and Gas Structures	Mar-02	NPR	Mar-02	N/A
9. Structures in Fleet and Anchor Areas	Mar-02	NPR	Mar-02	N/A
10. Mooring Buoys	Mar-02	NPR	Mar-02	N/A
11. Temporary Recreation Structures	Mar-02	NPR	Mar-02	N/A
12. Utility Line Activities	Mar-02	Conditional*	Mar-02	1,2,4,8,9
13. Bank Stabilization	Mar-02	Conditional*	Mar-02	1,2,4,8,9
14. Linear Transport Crossings (Tidal Waters)	Mar-02	Conditional*	Mar-02	1,2,4,8,9
14. REPLACED BY SPGP (Linear Transport Crossings - Nontidal Waters)	--	--	Expired Nov-02	--
15. U.S. Coast Guard Approved Bridges	Mar-02	NPR	Mar-02	N/A
16. Return Water - Upland Contained Disposal Areas	Mar-02	Permit Req'd	Mar-02	N/A
17. Hydropower Projects	Mar-02	Permit Req'd	Mar-02	N/A
18. Minor Discharges	Mar-02	Conditional*	Mar-02	1,2,4,8,9
19. Minor Dredging <25 Cubic Yards	Mar-02	Conditional*	Mar-02	1,2,4,5,8,9
20. Oil Spill Cleanup	Mar-02	NPR	Mar-02	N/A
21. Surface Coal Mining Activities	Dec-04	NPR	Mar-02	N/A
22. Removal of Vessels	Mar-02	NPR	Mar-02	N/A
23. Approved Categorical Exclusions	Mar-02	NPR	Mar-02	N/A
24. State Administered Section 404 Programs	Mar-02	N/A in VA	Mar-02	N/A
25. Structural Discharges	Mar-02	Conditional*	Mar-02	1,2,4,8,9
26. EXPIRED	--	--	Expired Jun-00	--
27. Stream and Wetland Restoration Activities	Mar-02	Conditional*	Mar-02	1,2,4,7,8,9
28. Existing Marina Modifications	Mar-02	NPR	Mar-02	N/A
29. Single-Family Housing	Mar-02	NPR	Mar-02	N/A
30. Moist Soil Management for Wildlife	Mar-02	NPR	Mar-02	N/A
31. Maintenance of Existing Flood Control Projects	Mar-02	NPR	Mar-02	N/A
32. Completed Enforcement Actions	Mar-02	NPR	Mar-02	N/A
33. Temporary Construction, Access and Dewatering	Mar-02	NPR	Mar-02	N/A
34. Cranberry Production Activities	Mar-02	NPR	Mar-02	N/A
35. Maintenance Dredging of Existing Basins	Mar-02	NPR	Mar-02	N/A
36. Boat Ramps	Mar-02	NPR	Mar-02	N/A
37. REPLACED BY RP-37 (11/21/05)	--	--	--	--
38. Hazardous and Toxic Waste Cleanup	Mar-02	NPR	Mar-02	N/A
39. REPLACED BY SPGP (Residential, Commercial and Institutional Development)	--	--	Expired Nov-02	--
40. Agricultural Activities	Mar-02	Conditional*	Mar-02	6
41. Reshaping Existing Drainage Ditch	Mar-02	NPR	Mar-02	N/A

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42. Recreational Facilities	Mar-02	Conditional*	Mar-02	1,2,3,4,8,9
43. Stormwater Management Facilities	Mar-02	Conditional*	Mar-02	1,2,4,8,9
44. Mining Activities	Mar-02	Conditional*	Mar-02	1,2,4,5,8,9
ASP-18. DISCONTINUED (Abbreviated Standard Permit)	Discontinued Feb-02	--	--	--
LOP-1. Letter of Permission for VDOT Projects	Oct-03	Permit Req'd	Cert. Denied	N/A
LOP-2. Letter of Permission for Certain Navigationally-related Recreational and Commercial Dredging Projects	Mar-04	Conditional*	Mar-02	10
RP-05. Construction of Small Impoundments	Mar-06	Permit Req'd	Cert. Denied	N/A
RP-15. Maintenance of Certain Ditches	Oct-03	NPR	Aug-98	N/A
RP-17. Private Piers and Mooring Piles	Oct-03	NPR	Aug-98	N/A
RP-18. Private Piers not covered by RP-17	Oct-03	NPR	Oct-03	N/A
RP-19. Certain Activities covered by VMRC and/or Local Wetlands Boards (Note: As of 2/6/06, Activity 15 of this RP is covered under RP-20)	Oct-03	NPR	Aug-98	N/A
RP-20. Development of State-owned and Operated Artificial Fin and Shellfish Reefs	Apr-06	NPR	Apr-06	N/A
RP-22. For Certain Activities in Lake Gaston	Oct-03	NPR	Aug-98	N/A
RP-24. For Certain Activities in Claytor & Smith Mtn. Lake	Aug-98	NPR	Aug-98	N/A
RP-37. Discharges Performed or Funded by NRCS under its Emergency Watershed Protection (EWP) Program (Note: As of 11/21/05, replaces Nationwide Permit 37)	Jan-06	Conditional*	Jan-06	11
RP-40. Minor Maintenance Dredging in Nontidal Waters	Oct-03	Conditional*	Aug-98	12

Abbreviations/Definitions

VWPP = Virginia Water Protection Permit

NPR = No Permit Required (applies to VWPP only)

N/A = Not Applicable

Permit Req'd = Some VWPP action is required

Conditional* = If a proposed activity falls under any of the conditions listed below, the activity does not have Section 401 certification until a VWP individual or general permit is issued.

Conditional@ = No separate VWP individual or general permit required provided that: 1) applicant has adequately sized the containment berm used for upland disposal of the dredged material; 2) applicant has adequately addressed need for a liner or impermeable material to prevent the leaching of any identified contaminants into ground water; and 3) applicant has ensured that dredging in waterbody segments on the current, effective Section 303(d) Total Maximum Daily Load (TMDL) priority list, or with an approved TMDL, will not exacerbate the impairment, and is consistent with any waste load allocation/limit/conditions imposed by an approved TMDL.

Conditions

Section 401 Certification is required when:

1. compensatory mitigation is in the form of mitigation bank credit purchase and the bank is not located within the same hydrologic unit or an adjacent unit within the same river watershed as the impacted site (as defined by the Hydrologic Unit Map of the U.S., USGS, 1980), *unless* it meets the conditions listed in Section 62.1-44.15:5e of the

Code of Virginia for transportation or locality projects.

2. compensatory mitigation involves only the preservation of wetlands and/or wetland or upland vegetation buffers, without accompanying creation or restoration of wetlands or the purchase of mitigation bank credits, or when mitigation does not meet the goal of no net loss of wetland acreage and function.
3. construction of irrigation impoundments is proposed on perennial streams (may include impoundments for golf course irrigation, snowmaking operations).
4. there is/are any proposed water withdrawal activity(ies) (may include construction and/or protection of intake structures, transporting non-potable water, construction of weir or water diversion structure, installation of pilings for any type platform/holding structure mounted with water withdrawal pumps).
5. hydraulic dredging or dredging a deep space/hole for water withdrawal is proposed.
6. any concentrated animal feeding operation or waste storage facility is proposed in surface waters.
7. used to permit a wetland mitigation bank (compensation for surface water impacts is debited from the mitigation bank credits).
8. stormwater management facilities are located in perennial streams or oxygen- or temperature-impaired waters.
9. impacts to perennial streams are in excess of 500 linear feet, and when impacts to intermittent streams are in excess of 1,500 linear feet.
10. the applicant **cannot** meet the following conditions: a) the containment area is adequately sized to prevent overtopping of any containment berm used for upland disposal of dredged material; b) the need is adequately addressed regarding a liner or impermeable material to prevent leaching of any identified contaminants into ground water; and c) the dredging will not exacerbate impairment of waterbody segments on the current effective Section 303(d) Total Maximum Daily Load (TMDL) priority list or waterbody segments with an approved TMDL; and the dredging is consistent with any waste load allocation, limit, or conditions imposed by an approved TMDL.
11. the applicant **cannot** meet the following conditions: a) work is to restore damage incurred by a natural disaster event declared as a local or state of emergency, pursuant to Code of Virginia § 44-146 et seq.; b) wetland or stream impacts [shall] be avoided and minimized to the maximum extent practicable; c) proposed work does not allow impacts that cause or contribute to a significant impairment of state waters or fish and wildlife resources; d) additional or inadvertent impacts caused by the restoration activities requires compensatory mitigation sufficient to achieve no net loss of existing wetland acreage and function; and that any such compensatory mitigation be provided through wetland or stream creation or restoration, purchase or use of mitigation bank credits in accordance with § 62.1-44.15:5 E of the Code of Virginia, contribution to an in-lieu fee fund approved by the board in accordance with these regulations, or preservation or restoration of upland buffers adjacent to wetlands or other state waters or preservation of wetlands or streams when done in conjunction with creation, restoration or mitigation bank credits; and e) NRCS notifies DEQ if they or the local sponsor prefers not to incorporate one or more of the recommendations made by the Department of Game and Inland Fisheries, the Virginia Marine Resources Commission, or the Department of Conservation and Recreation regarding measures to avoid adverse effects of a project on state designated critical or proposed critical habitat or a state listed or proposed threaten or endangered species or two categories of trout waters, Class V (Put and Take Trout Waters) and Class VI (Natural Trout Waters); DEQ will then consult with the agency or agencies who made the recommendation(s) and determine whether or not they need to be incorporated into the project plans.
12. the amount of dredged/excavated material exceeds 5,000 cubic yards (no limits on method of dredging/excavation, and no separate limits on the area of impact).